

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New MexicoFILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO
2009 NOV -9 AM 9:43
CLERK-LAS CRUCES

United States of America)

v.)

William Ege)

Case No. 09-3219 MJ)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 6, 2009 in the county of Dona Ana in the
District of New Mexico, the defendant(s) violated:

Code Section

18 United States Code, Sections
2252(a)(2)

Offense Description

Defendant knowingly received a visual depiction; Such visual depiction was mailed, shipped or transported in or affecting interstate or foreign commerce by any means, including computer; The production of such visual depiction involved the use of a minor engaging in sexually explicit conduct;

and 2252 (a)(4)(B)

Defendant knowingly possessed and knowingly accessed with intent to view a visual depiction; Such visual depiction was transported or shipped using any means or facility of interstate or foreign commerce, or in or affecting interstate or foreign commerce by any means, including by computer or mails

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.

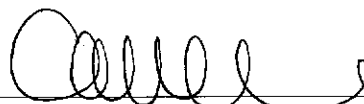
Complainant's signature

Ruth A. Baca

Printed name and title

Sworn to before me and signed in my presence.

Date:

11/8/09

Judge's signature

City and state:

Las Cruces, New Mexico

Carmen Garza, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Ruth A. Baca, being duly sworn and deposed, state the following:

INTRODUCTION

I am a Senior Special Agent with the Department of Homeland Security, United States Immigration and Customs Enforcement (ICE) Resident Agent in Charge Las Cruces, New Mexico office. I have been employed by the Department of Homeland Security since May of 2003, when the Department of Homeland Security was created. Prior to that, I was employed as a Senior Special Agent assigned to the Department of Treasury, United States Customs Service (USCS) Special Agent in Charge El Paso, Texas from May 1999 to May of 2003.

I have seventeen (17) years of federal law enforcement experience and during that time I have attended two academies at the Federal Law Enforcement Training Center and numerous training courses and conferences to include training in the investigation and prosecution of child exploitation and Internet crimes against children.

During the course of this investigation, I have consulted with other ICE Agents and Las Cruces Police Department detectives and officers who have extensive experience investigating Internet crimes against children including: child trafficking, abusive images of children (child pornography, child exploitation); and enticing children to engage in illegal sexual acts.

PROBABLE CAUSE

On November 6, 2009, Las Cruces Police Detective K. Thatcher contacted ICE Senior Special Agent Ruth Baca regarding a search warrant that Las Cruces Police Department executed on November 5, 2009 at a residence in Las Cruces, New Mexico. The search warrant was issued by a New Mexico District Court Judge for computer equipment, hard drives, and other electronic storage devices at the residence in relation to an ongoing case involving criminal sexual penetration of a minor. The target of the LCPD investigation was residing with his girlfriend and her father, William EGE.

During the execution of the warrant, EGE stated that the target of the LCPD investigation had been living with him and his daughter since June of 2009 and during that time frame the target had full access to the residence and the computers located within the residence. While the search was ongoing, EGE became increasingly nervous about the search warrant and the subsequent search of the computers and two hard drives that were located in a drawer of a table located next to EGE's bed in his bedroom. EGE stated that it was possible that the target of the LCPD investigation accessed his laptop and the laptop of his daughter while they were away from the residence. EGE stated that he did not know how the two hard drives were located in his room and didn't know anything about them.

On November 6, 2009, LCPD Officer M. Brookreson was conducting a preliminary forensic search of the hard drives seized during the search warrant. The forensic search revealed numerous sexually explicit images of children ranging in age from infancy to adolescence were located on the hard drives removed from the table drawer located in EGE's bedroom. LCPD Officer Brookreson accessed the meta data for these files and observed dates for some of the images were accessed prior to June 2009, when the target moved into the residence, and after October 2008.

On November 6, 2009, EGE made several phone calls to LCPD Officer Brookreson inquiring about the status of his laptop and to determine when he could pick up the laptop. LCPD Officer Brookreson made a phone call to EGE informing him that he could pickup his lap top at 101 N. Church Street, Las Cruces, New Mexico. When EGE arrived at the location he was asked if he would speak with LCPD Detective Thatcher and EGE agreed to speak with Detective Thatcher.

Detective Thatcher initiated an interview with EGE. SSA Baca and LCPD Officer Weir were also present during the interview. During the initial phase of the interview EGE provided biographical and background information. EGE stated that his daughter and her boyfriend have been living with him since June 2, 2009. EGE stated that on that date he drove to Dallas, Texas to pick up his daughter to come live with him, and it wasn't until he arrived in Dallas that he realized that his daughter's boyfriend would also be moving back to Las Cruces with him. EGE stated that he subsequently set up a computer in the bedroom of the target of the LCPD investigation for the target's own use, but that it was possible, the target also had access to EGE's laptop and his daughter's laptop while they were at work.

Detective Thatcher subsequently read EGE his Miranda Statement of Rights and EGE acknowledged in writing and verbally that he would continue with the interview.

EGE stated that he is addicted to child pornography and he has downloaded numerous pornographic images of children from the Internet onto his laptop. EGE stated that the images he downloads are of children ranging in age from two to three years old to older teens.

EGE stated that he has utilized all of the computers in his home, with the exception of his daughter's laptop, download from the Internet, access, view and store sexually explicit images of children. EGE stated he maintains external and internal hard drives to store these images and maintains a hidden directory for his images. EGE stated that he always locks his computer with a screen name and password when he was not using his computer so no one else could access his computer.

EGE stated that he "just looks" at the child pornography that he has downloaded the images from two websites, 12chan.org and imgsrc.ru. EGE stated that he downloaded from these two sites because they are free sites and he doesn't have to pay for the images. EGE stated that the images are readily available via the Internet. EGE stated that he has conducted website searches using the following terms; jailbait, young girls, preteen or adolescent and he would view the images that the search returned.

EGE stated that he views the child pornography behind closed doors while in his bedroom, because he is very secretive and private about viewing the images, especially now that his daughter is living with him.

EGE admitted the last time he viewed child pornography was on November 4, 2009.

EGE admitted that he began viewing the child pornography after his divorce in 1993 and his problem has increased since then. EGE stated that he has attempted to stop viewing the child pornography by destroying the images, but that he would often make cd copies of the images.

EGE admitted that the two hard drives removed from his bedroom belonged to him and they were backup copies of the images he had stored on his laptop.

EGE stated that he has utilized wiping software, CC Cleaner, to wipe the hard drive and remove any history of the images. EGE stated that even after cleaning his hard drive he would then recover his images and copy the images to an external hard drive.

EGE stated that he has hurt himself in order to try to keep himself from viewing child pornography and sexually gratifying himself while viewing child pornography, but he has been unsuccessful.

EGE stated that in the past he has gone about 2 ½ weeks without viewing child pornography and added that it was a very long time for him. EGE stated that at times he has viewed the child pornography on a daily basis. EGE stated that he has also purchased little girls underwear as part of his addiction.

EGE was administratively processed and transported to the Dona Ana County Detention Facility. During the transport to the detention facility, EGE stated to SA J. Armendariz that the child pornography he has viewed is readily available on websites located in Russia.

On November 6, 2009, I, SSA Baca, viewed several of the images located during the preliminary forensic search of the hard drives belonging to William EGE and observed images of prepubescent children posed to expose their genitalia in a sexually explicit manner. Based upon my background, training and previous investigations involving child pornographic images, the images I viewed appear to be real children, who were photographed in sexually explicit acts and poses. Based upon my training and experience, the images received, possessed and viewed by EGE were more likely than not mailed, shipped, or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or produced using materials that have been mailed or shipped or transported in or affecting interstate or foreign commerce, by any means including by computer.

This affidavit is based on my personal knowledge, as well as information provided to me by other law enforcement agents and witnesses.



Ruth A. Baca, Senior Special Agent
Immigration and Customs Enforcement

Sworn and subscribed to before me this
8th day of November, 2009



United States Magistrate Judge
Carmen Garza